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09/744,595	01/26/2001	Kojiro Okamoto	0819-416	1644

7590

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT

PAPER NUMBER

2697

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11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/744,595

Applicant(s)

OKAMOTO ET AL.

Examiner

Jorge L. Ortiz-Criado

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokhoff et al. U.S. Patent No. 5,060,219 in view of Timmermans et al. U.S. Patent No. 5,930,210.

Regarding claim 1, Lokhoff et al. discloses a disk-shaped recording medium comprising  
(See col. 6, lines 20-22):

a primary recording region (See Fig. 3a, 3e)

and a secondary recording region which is located on the side of an internal periphery of said primary recording region (See Fig. 3a, 3c),

wherein said primary recording region has a track which wobbles at a first pitch and along which a user is able to record a data signal (See col. 6, lines 33-35; Fig. 3a, 3e);

and wherein said secondary recording region has a track which wobbles at a second pitch different from said first pitch or does not wobble (See Fig. 3a, 3c),

and along which a signal representative of control information is already prerecorded in the form of information pits at the time of the manufacture of said recording medium (See col. 2, lines 50-58; Fig. 3a, 3c).

Art Unit: 2697

Lokhoff et al. further discloses a control information prerecorded in said secondary recording region for indicating which type(s) of information is copied into said primary recording region for inhibit if it detected to be of a type indicated by the control information being read from the recording medium (See col. 1, lines 40-55; col. 2, lines 50-58; Fig. 3a, 3c)

Lokhoff et al. does not expressly disclose wherein said control information in said secondary recording region includes:

an invalid key information item for inhibiting, when encrypted main data is copied into said primary recording region, reproduction of said main data.

However this feature is well known in the art as evidenced by Timmermans et al., which discloses a recording medium which include an invalid key information item for inhibiting, reproduction of said main data. (See col. 7, lines 1-16);

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to provide a control information prerecorded in said secondary recording region for indicating which type(s) of information is copied into said primary recording region for inhibit if it detected to be of a type indicated by the control information being read from the recording medium as teaches by Lokhoff et al. an further include an invalid key information item for inhibiting when the type of information copied into said primary recording region is encrypted, reproduction of said main data as suggested by Timmermans et al.

Regarding claim 3, The combination of Lokhoff et al. and Timmermans et al. as modified above would show control information in said secondary recording region includes an

Art Unit: 2697

identification information item required at the time of reproduction and representative of the type of said recording medium (See Timmermans et al., col. 7, lines 1-16).

Regarding claim 4, Lokhoff et al. discloses a disk-shaped recording medium comprising (See col. 6, lines 20-22):

a primary recording region (See Fig. 3a, 3e)

and a secondary recording region which is located on the side of an internal periphery of said primary recording region (See Fig. 3a, 3c),

wherein said primary recording region has a track which wobbles at a first pitch and along which a user is able to record a data signal (See col. 6, lines 33-35; Fig. 3a, 3e);

and wherein said secondary recording region has a track which wobbles at a second pitch different from said first pitch or does not wobble (See Fig. 3a, 3c),

and along which a signal representative of control information is already prerecorded in the form of information pits at the time of the manufacture of said recording medium (See col. 2, lines 50-58; col. 6, lines 30-33; Fig. 3a, 3c).

Lokhoff et al. further discloses a control information prerecorded in said secondary recording region for indicating which type(s) of information is copied into said primary recording region for inhibit if it detected to be of a type indicated by the control information being read from the recording medium (See col. 1, lines 40-55; col. 2, lines 50-58; Fig. 3a, 3c)

Lokhoff et al. does not expressly disclose wherein said control information in said secondary recording region includes:

Art Unit: 2697

an invalid key information item for inhibiting, when encrypted main data is copied into said primary recording region, reproduction of said main data and fails to disclose a reproducing apparatus for the reproduction of main data recorded in a primary recording medium.

However this feature is well known in the art as evidenced by Timmermans et al., which discloses a recording medium which include an invalid key information item for inhibiting, reproduction of said main data when encrypted main data is copied into said primary recording region. (See col. 7, lines 1-16);

a reproducing apparatus for reproducing different regions in the recording medium, which wobbles at different pitch (See col. 5, lines 13-25; Figs. 1a, 1b, 1c, 3, 5), said reproducing apparatus comprising:

means for spinning said recording medium at a constant linear velocity (See col. 5, lines 28-30; lines 63-65; Fig. 5, Ref. #50);

a pickup for reading a signal from said recording medium under rotation (See col. 5, lines 30-34; Fig. 5, Ref# 52)

means by which a signal read position by said pickup follows said tracks of said recording medium (See col. 5, lines 34-60; Fig. 5, Ref# 55);

means for generating a tracking error signal from an output of said pickup (See col. 5, lines 34-60; Fig. 5, Ref# 56);

means for shifting said pickup in a direction toward an internal periphery of said recording medium until said pickup reaches a specific point of said secondary recording region at which said tracking error signal no longer contains a signal component having a

Art Unit: 2697

frequency which is determined by said first pitch relating to the wobbling of said track in said primary recording region and said constant linear velocity, wherein when false control information is copied into said primary recording region said false control information is ignored (See col. 5, line 53 to col. 6, line 1-56; Fig.5 Ref# 60);

and means for starting reproduction of said main data recorded in said primary recording region according to said control information in said secondary recording region represented by an output of said pickup shifted to said point of said secondary recording region (See col. 6, line 45 to col. 7, line 10; Fig. 5, Ref# 61, 62)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to provide a control information prerecorded in said secondary recording region for indicating which type(s) of information is copied into said primary recording region for inhibit if it detected to be of a type indicated by the control information being read from the recording medium as teaches by Lokhoff et al. and by modifying Lokhoff et al. by further including an invalid key information item, in order to when the type of information copied into said primary recording region is encrypted, inhibiting reproduction of said main data, as suggested by Timmermans et al.

And to reproduce information of main data recorded in the primary recording region it would have been obvious to one with ordinary skill in the art to use the reproducing apparatus which enable reproduction of the information according to a control information which indicate which type(s) of information is copied into said primary recording region as teaches by Lokhoff et al. and by modifying Lokhoff et al. by further including an invalid key information item, in order to when the type of information copied into said primary recording

Art Unit: 2697

region is encrypted, inhibiting reproduction of said main data as suggested by Timmermans et al., and in order to avoid reproducing false control information, the reproducing apparatus inhibit reproduction when a predetermined frequency component caused by the radial wobble is detected as suggested by Timmermans et al.

Regarding claim 5, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, a control information in said secondary recording region including invalid key information for inhibiting, when encrypted main data is copied into said primary recording region, reproduction of said main data and wherein said reproducing apparatus further comprises means for canceling, when main data recorded in said primary recording region is encrypted, recording of said main data according to said invalid key information item (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8).

Regarding claim 6, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, wherein said control information in said secondary recording region includes an identification information item representative of the type of said recording medium; and wherein said recording apparatus further comprises means for canceling, when said identification information item indicates that recording of a data signal into said primary recording region by a user is possible and, in addition, main data recorded in said primary recording region is encrypted, reproduction of said main data (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8).



Regarding claim 7, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, a recording apparatus that further comprising means for continuing, when main data recorded in said primary recording region is not encrypted, recording of said main data (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8)

Regarding claim 8, Lokhoff et al. discloses a disk-shaped recording medium comprising (See col. 6, lines 20-22):

(a) a primary recording region into which a user is able to record a data signal (See col. 6, lines 33-35; Fig. 3a, 3e) and

(b) a secondary recording region which is located on the side of an internal periphery of said primary recording region (See Fig. 3a, 3c)

and into which a signal representative of control information is already prerecorded at the time of the manufacture of said recording medium (See col. 2, lines 50-58; Figs. 3a, 3c)

Lokhoff et al. fails to disclose a reproducing apparatus for the reproduction of main data recorded in a primary recording medium.

However this feature is well known in the art as evidenced by Timmermans et al., which discloses, reproduction apparatus for reproducing a recording medium which include a control information item for inhibiting, reproduction of said main data (See col. 7, lines 1-16), said reproduction apparatus comprising:

a pickup for reading a signal from said recording medium (See col. 5, lines 30-34; Fig. 5, Ref# 52);

Art Unit: 2697

means for shifting said pickup in a direction toward an internal periphery of said recording medium until said pickup reaches its shift limit point (See col. 5, line 53 to col. 6, line 1-56; Fig.5 Ref# 60);

and means for starting reproduction of said main data recorded in said primary recording region according to said control information in said secondary recording region obtained finally from an output of said pickup during shifting of said pickup, wherein when false control information is copied into said primary recording region said false control information is ignored (See col. 6, line 45 to col. 7, line10; Fig. 5,Ref# 61,62)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to use a reproducing apparatus which enable to reproduce information of main data recorded in the primary recording region, according to a control information which indicate which type(s) of information is copied into said primary recording region as teaches by Lokhoff et al. and in order to avoid reproducing false control information, the reproducing apparatus inhibit reproduction when a predetermined frequency component caused by the radial wobble is detected during shifting of the pickup as suggested by Timmermans et al.

Regarding claim 9, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, a control information in said secondary recording region including invalid key information for inhibiting, when encrypted main data is copied into said primary recording region, reproduction of said main data and wherein said reproducing apparatus further comprises means for canceling, when main data recorded in said primary recording

Art Unit: 2697

region is encrypted, recording of said main data according to said invalid key information item (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8)

Regarding claim 10, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, wherein said control information in said secondary recording region includes an identification information item representative of the type of said recording medium; and wherein said recording apparatus further comprises means for canceling, when said identification information item indicates that recording of a data signal into said primary recording region by a user is possible and, in addition, main data recorded in said primary recording region is encrypted, reproduction of said main data (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8).

Regarding claim 11, The combination of Lokhoff et al. and Timmermans et al. as modified above would show, a recording apparatus that further comprising means for continuing, when main data recorded in said primary recording region is not encrypted, recording of said main data (See Timmermans et al., col. 6, line 27 to col. 7, lines 16; Fig. 5,8)

### *Response to Arguments*

3. Applicant's arguments with respect to claim 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2697

4. Applicant's arguments, see page 5, lines 8-10, filed 5/22/03, with respect to claim 1 have been fully considered and are persuasive. The objection of claim 1 has been withdrawn.
5. Applicant's arguments, see page 5, lines 13-15, filed 5/22/03, with respect to claims 4 and 8 have been fully considered and are persuasive. The rejection of claim 4 and 8 has been withdrawn.

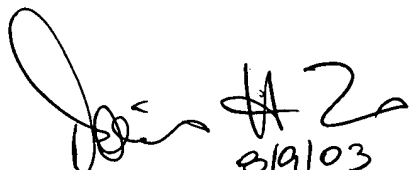
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc  
August 5, 2003

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800  
8/9/03